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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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THE WALT DISNEY COMPANY C/O GREENBERG TRAURIG LLP 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404			HUYNH, SON P	
		ART UNIT	PAPER NUMBER	2623

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,192	WATSON ET AL.	
	Examiner Son P. Huynh	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4-16,18-35,37,41-48,52-68 and 72-100 is/are pending in the application.
- 4a) Of the above claim(s) 60,62 and 64-68 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4-16,18-35,37,41-48,52-59,61,63 and 72-100 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/28/05;07/08/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 01/30/2006 have been fully considered but they are not persuasive.

Applicant argues Hunter does not determine when to make the movie available for viewing. Such determination would require additional steps beyond simply displaying a message to the user notifying a movie is present. Thus, Hunter does not teach analysis of the metadata to determine when to make the movie available for viewing (page 18, paragraphs 3-4, page 19, paragraph 2, page 20, paragraph 4, page 21, paragraph 7, page 22, paragraphs 17, page 23, paragraph 6-7, page 24, paragraphs 3, 8, page 25, paragraph 3).

In response, this argument is respectfully traversed. Hunter discloses the content provider controls the download of movies, catalogs and other advertising or customer interest information into the storage device at the receiver (paragraphs 0139-0142, 0145). The content provider also control the available time of the movies stored in the storage device (i.e. the customer catalog information may serve to establish a different protocol that will overwrite the less likely to be purchased movies ahead of those recording. Certain new release movies in high demand within the customer's primary areas of interest may be designated to

remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module 230 (paragraph 0144, lines 23-31). Hunter further discloses the graphical user interface alerts the customer that the recordings are available by a cue such as "You've got Flicks"(paragraph 0139). Thus, the metadata is inherently analyzed to determine when to make the movie available for viewing so that a cue is displayed at predetermined point (i.e., when the recording are available) or movies are available within particular period (i.e. remain in storage for a week) regardless of "traffic" through storage module.

Applicant further argues Hunter employs a "first in, first out" protocol. When new movies are downloaded to the set top box, older movies already on the set top box are overwritten. Hunter does not describe or suggest any alternative to such a protocol (page 19, paragraph 5, page 20, paragraph 1). Therefore, Hunter does not teach or suggest effecting removal of the movie data at a time pre-determined by the content provider (page 20, paragraphs 2, 5, page 24, paragraph 4).

In response, this argument is respectfully traversed. Hunter discloses the content provider controls the download of movies, catalogs and other advertising or customer interest information into the storage device at the receiver (e.g. download one featured movie every day -paragraphs 0139-0142, 0145). The content provider also controls the available time of the movies stored in the storage device (i.e. the customer catalog information may serve to establish a

different protocol that will overwrite the less likely to be purchased movies ahead of those recording. Certain new release movies in high demand within the customer's primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module 230 (paragraph 0144, lines 23-31). Thus, the movie data representing one or more movies stored on the set top box is inherently effecting removed at a time determined by the content provider (i.e. only be remove/overwritten after one week, as determined by the content provider, regardless of the "traffic" through storage module).

Alternatively, in the "first in first old" protocol, the oldest stored movie is deleted when new movie is stored. Since Hunter discloses the content provider controls the downloading of movie to the storage device (paragraph 0139), the stored movie data is only removed when the content provider downloads the new movie data to the storage. Thus, the content provider determines the time (when content provider downloads new movie to the set top box) of effecting removal of the movie data representing one or more movies stored on the set top box (the oldest stored movie data is removed to save space for new downloaded movie).

Applicant also argues it is not inherent that the associated metadata comprises information such as time stamps which determine begin and end dates for permitted movie viewing (page 18, paragraph 6).

In response, this argument is respectfully traversed. Hunter discloses the content provider controls the download of movies, catalogs and other advertising or customer interest information into the storage device at the receiver (paragraphs 0139-0142, 0145). The content provider also control the available time of the movies stored in the storage device (i.e. the customer catalog information may serve to establish a different protocol that will overwrite the less likely to be purchased movies ahead of those recording. Certain new release movies in high demand within the customer's primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module 230 (paragraph 0144, lines 23-31). Thus, metadata comprises information such as time stamp which determine begin and end date for the movie must be included so that the certain movie is remained in storage for a period of time, say one week, regardless of the traffic through storage (e.g. begin date is begin of "one week", and end date is end of "one week").

Applicant additionally argues Hunter does not teach or discloses software being programmed to analyzed the metadata to determine when to make a movie available for viewing (page 21, paragraph 7).

In response, the Examiner respectfully disagrees. Hunter discloses the content provider controls the download of movies, catalogs and other advertising or customer interest information into the storage device at the receiver (paragraphs

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0139-0142, 0145). The content provider also control the available time of the movies stored in the storage device (i.e. the customer catalog information may serve to establish a different protocol that will overwrite the less likely to be purchased movies ahead of those recording. Certain new release movies in high demand within the customer's primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module 230 (paragraph 0144, lines 23-31). Thus, a software must be included to analyze the metadata to determine when to make a movie available for viewing so that the cue is displayed at a predetermined time (when recording is available) or the movie remains in the storage at predetermined period, say one week, regardless of "traffic" through the storage.

Applicant further argues Hunter does not teach or suggest permitting access to the stored movie data under predetermined control conditions derived from metadata (page 23, paragraph 2).

In response, the Examiner respectfully disagrees. Hunter discloses the content provider controls the download of movies, catalogs and other advertising or customer interest information into the storage device at the receiver (paragraphs 0139-0142, 0145). The content provider also control the available time of the movies stored in the storage device (i.e. the customer catalog information may serve to establish a different protocol that will overwrite the less likely to be purchased movies ahead of those recording. Certain new release movies in high

demand within the customer's primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module 230 (paragraph 0144, lines 23-31). Hunter also discloses new code keys for every distributed movie transmitted via phone/modem that allow the user to access encoded/encrypted stored movies (paragraphs 0015-0016, 0079, 0081-0096). Thus, the stored movie data is permitted to access under predetermined control conditions derived from metadata (e.g. with code keys, only at time when the recording is available, etc. derived from code keys, catalogs, time information, etc.).

Applicant additionally argues Maruo discloses a smart card 525 which is inserted into interface card 530 of the receiver. However, Maruo does not teach "a smart cart secured to a circuit board of the receiver" (page 26, paragraphs 3-4).

In response, the Examiner interprets the claimed feature "a smart card secured to a circuit board of the receiver" is met by a smart card 525 inserted into interface card 530 of the receiver.

Applicant also request for evidence to support the Official Notice that simultaneously playing a video, reacting to signals from a remote control and modem activity is well known in the art (page 23, paragraph 5).

In response, claim 78 recites the processor simultaneously plays a video and reacts to signals from a remote control, and modem activity (see claim 78, lines 1-2). Thus, the claim merely recites a modem activity, which is met by the modem activity (i.e. 650) (see Hunter, fig. 23, paragraph 0152). The claim does not recite simultaneously playing a video, reacting to signals from a **remote control and modem activity**. Furthermore, the Examiner provides U.S 6,177,931 (col. 18, line 55-col. 19, line 45), or US 6,460,180 (figure 11), or US 6,184,877 (figure 3), US 6,184,877 (figures 1-8) as evidence to support the Official Notice taken by the Examiner that simultaneously play a video and reacts to signal from a remote control, and activity modem is well known in the art.

For the reasons given above, rejections to the claims in the amendment filed on January 30, 2006 are analyzed as discussed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-10,12-16, 18-35, 37, 41-42, 52-59, 61, 63, 72-77, 79-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (US 2002/0056118).

Regarding claim 4, the claimed method of broadcasting a movie to a set top box is met by Hunter's disclosure as follow:

"a content provider broadcasting movie data to a set top box, the content of the movie data being selected by the content provider" is met by the content provider and data transmission system broadcasting movie data to the user station, the content of the movie data automatically selected by the content provider and/or system operator (par. 0139);

"permitting automatic storage of the movie data broadcast from the content provider onto the set top box" is met by the automatically download the movie data from the content provider and data transmission provider onto storage module of the user station (par. 0139);

"permitting assembling the movie data in the set top terminal to form at least one full movie and associated metadata" is broadly met by assembling movie data in the user terminal to form a movie associated with movie title, category, header information, etc. (par. 0074-par. 0076; par. 0139.);

Hunter also discloses the graphical user interface alerts the customer that the recording are available by a cue such as "You've got flicks" (paragraph 0139) or the movie is remained in the storage for a period, say one week, regardless of "traffic" through the storage (paragraph 0144, 23-31). Thus, the metadata

(information associated with the movie data) is inherently analyzed to determine when to make the movie available for viewing so that the cue such as "you've got Flicks" is displayed at a predetermined time (i.e. when the recording is available) or the movie remains in storage at predetermined time (e.g. one week) regarding of the "traffic" through the storage;

"permitting viewing of the movie in response to a user's selection of the movie" is met by user select a movie title to view the movie associated with the selected title (par. 0128, par. 0151).

Regarding claim 5, Hunter further discloses permitting viewing occurs upon agreement to charge the user a fee for viewing the selected movie (par. 0128, lines 30-43).

Regarding claim 6, Hunter further discloses the movies are available to the customer over a period of time (par. 0141), and the movie remains in storage for a minimum period of time, say one week, regardless of "traffic" through the storage device (par. 0144). Inherently, associated metadata comprises information such as time stamp which determine begin and end dates for permitted movie viewing (e.g. begin date is begin of "one week" and the end date is the end of "one week").

Regarding claim 7, Hunter further discloses the movie selected by the user is available for viewing for a limited of time (e.g. 24 hour – par. 0161)

Regarding claim 8, Hunter further discloses the movie selected by the user is available for viewing for a limited number of times (e.g. three plays – par. 0161).

Regarding claim 9, Hunter further discloses “re broadcasting movie data previously broadcast to ensure that the entire movie is received by the set top box” (e.g. release movies are transmitted every 30 minutes from 5:30 pm to 8:30 pm, and several other times daily – paragraphs 0119, 0213-0216).

Regarding claim 10, the limitations correspond to the limitations of claim 4 are analyzed as discussed in the rejection of claim 4. Hunter further discloses the content provider and/or system operator automatically record the movie into storage module of the user station. The graphical user interface alerts the customer that the recordings are available (par. 0139) or overwrite the less likely to be purchased movies ahead of those recording, or certain new release movies may be designated (by the content provider/operator) to remain in storage for a minimum period of time, say one week, regardless of the “traffic” through the storage (paragraph 0144). Inherently, the selected movie is made available for viewing by the user at a time predetermined by the content provider (i.e. when recording is available or when the movie is not deleted from the storage), the selected movie having previously been stored on the set top box (the movies is stored in storage of set top box).

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Hunter further discloses the movies are available to the customer over a period of time before they are overwritten or deleted, the content provider controls the downloading of movie into the set top box (par. 0139, par. 0141; par. 0144, par. 0147). Thus, the movie data representing one or more movie stored in the set top box is effectively removed at the time determined by the content provider (e.g. when the new movie is downloaded or when the period of time designated for certain new release movie to remain is expired).

Regarding claim 12, Hunter further discloses the movie data comprises audio and video to from a movie and associated metadata, wherein the metadata indicates time predetermined (scheduling data or designated time to remain to the movie regardless of traffic) by the content provider to make the movie available for viewing by the user (par. 0065, 0144, lines 23-31).

Regarding claim 13, Hunter further discloses the movie is a new release (par. 0013) and the claims feature of "the time predetermined by the content provider to permit viewing by the use is an official release date for the new release" is broadly met by the time/date indicates the availability of the recorded movies for playback– par. 0013).

Regarding claim 14, Hunter further discloses the movie data is broadcast to the set top box using standard files transfer protocols (e.g. MPEG-2, par. 0121).

Regarding claims 15-16, the additional limitation as claimed corresponds to the additional limitation as claimed in claims 9, 5 respectively, and are analyzed as discussed with respect to the rejection of claims 9 and 5.

Regarding claim 18, Hunter discloses a method of broadcasting movie data to a set top box (user station) for storage and subsequently viewing, the method comprising:

selectively broadcast data wirelessly from a content provider to a set top box (movie data are selected and automatically downloaded to storage module of user station by content provider and/or system operator via wireless network i.e. satellite – par. 0139, figure 11);

content provider and/or system operator alerts the customer that the recordings are available (par. 0139, par. 0147) or certain new release movie is designated to remain in storage for minimum period of time regardless of traffic through the storage (paragraph 0144, lines 23-31) reads on the claimed feature of “remotely controlling when to make data available for viewing by the user”; content provider and/or system operator control when to transmit new movie or controls period of time the movie data that the movie is designated to remain in the storage before they are overwritten or deleted (par. 0139, par. 0144, par. 0147) reads on the claimed feature of “remotely controlling when to remove that data from the set top box.”

Regarding claim 19, the claimed feature of “permitting the user to select when to view selected data during an available access time, the user selectively viewing the data one on one or more television sets, and the set top box being a unit separate from the one or more television set” is broadly met by the user select a recorded movie on the list to view on television set (32) when the movie is available (not been removed/deleted) wherein the user station (228) being separate from the television (32) – figure 11, par. 0013, paragraph 0151, paragraphs 0139, 0144).

Regarding claim 20, Hunter further discloses wherein payment for a permitted viewing of the data is made by the user through a separate telephone line (telephone line 38- figure 11, par. 0151).

Regarding claim 21, Hunter further discloses selectively broadcasting data permits the content provider to determine the data to be broadcast wirelessly to the set top box (content provider/data transmission provider selects data to be broadcast over satellite according to the movie preferences of the customer – figure 11, par. 0139-par. 0142).

Regarding claim 22, Hunter further discloses the data is broadcast by encoding data onto standard broadcast television signals (e.g. MPEG-2 – par. 0169).

Regarding claim 23, Hunter teaches a method of content management for a remote hardware device (user station), the method comprising:

collecting content to be transmitted to a remote hardware device (collecting movie data such as new release movies, very popular movie, user interest movie, to be transmitted to the user station – paragraphs 0012- 0013, 0139);

generating metadata specifying various properties of the content (generating header information, price, scheduling data, designated time for movie to be remain in the storage, catalogs, etc. for the movie – par. 013, 0144, lines 23-31 figure 11);

associating the metadata with the content (associating scheduling data, price, designated time for movie to remain in the storage, etc. with the movie – figures 11-12, par. 0013-0014, paragraph 0144, lines 23-31);

transmitting the content and its associated metadata to the remote hardware device (transmitting the movie data and its price, scheduling data, etc. to the user station – figures 11, 15, par. 0061, paragraphs 0139, 0144, lines 23-31, paragraph 0145);

permitting automatic storage of data received at the remote device (automatically download the movie data- par. 0139);

providing software for operating on the remote hardware device to process the metadata and manage the content according to its associated metadata (providing software for operating on the user station to process metadata such as scheduling data, price data, header information, etc. so that the movie associated

with the selected data to be playback/recorded, the movie is selected to received based on its ID header information, or movie is selected to remain in storage based on designated time regardless of traffic through the storage – par. 0065-par. 0075, par. 0139, paragraph 0144, lines 23-31).

Regarding claim 24, Hunter discloses the customer is alerted that the recordings are available (par. 0139). The movie data is recorded with a limited date (par. 0161, paragraph 0144, lines 23-31). Inherently, the metadata comprises information indicating when to make content available to the viewer and when to remove content from the remote hardware device so that the cue is displayed when the recording is available and when the content is oldest content, less likely to be purchased content, or the designated time to remain the content in storage is expired.

Regarding claim 25, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 9, and are analyzed as discussed with respect to the rejection of claim 9.

Regarding claim 26, Hunter teaches a method for providing movies available for purchase or rental directly to remote viewers through broadcast communication (figure 11), the method comprising:

providing a view with a set top box (228), the set top box having a hard drive (230) for storing a plurality of movies (figure 11 and par. 0138);

broadcasting movie data to the set top box and allowing movie data to accumulate on the hard drive (figure 11, par. 0138-par. 0139);

providing software resident on the set top box, the software being programmed to: automatically store the movie data broadcast to the set top box (figure 11, par. 0139, par. 0083);

assembling the movie data broadcast into a plurality of viewable movies and associated metadata (forming the list of available movies so that the user can select an associated information to view the movie - par. 0083-par. 0089, par. 0148);

analyzing the metadata to determine when a movie should be made available (analyzing header information to indicate alerts to customer that the recordings are available – par. 0139, par. 0147, par. 0161, or designated time to remain content in the storage (paragraph 0144, lines 23-31). Also see discussion in rejection of claim 1);

allowing the user to select the available movie when available (par. 0147-par. 0151).

Regarding claim 27, Hunter further discloses the movies are available for a predetermined limited time (e.g. 24 hours, one week, etc.) and thereafter are essentially removed by the broadcaster (par. 0144, par. 0161).

Regarding claim 28, Hunter further discloses the movies are encrypted thereby to limit the availability in at least one of the following: being copied multiple times,

being viewed more than once, or being viewed or copied other than when predetermined criteria are met (par. 0138, lines 20-21; par. 0150, par. 0163).

Regarding claim 29, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 22, and are analyzed as discussed with respect to the rejection of claim 22.

Regarding claim 30, the limitations of the method of creating a digital home movie library correspond to the limitations of the method for broadcasting movies in claim 10, and are analyzed as discussed with respect to the rejection of claim 10. Furthermore, Hunter discloses broadcasting the movies using satellite (figure 11). Thus, the provider broadcast the movies to plurality of set top boxes. Hunter further discloses providing a plurality of movies (par. 0139). Thus, a plurality of full movies is formed.

Regarding claims 31-35, the limitations as claimed correspond to the limitations as claimed in claims 27-29,20-21 respectively, and are analyzed as discussed with respect to the rejections of claims 27-29 and 20-21.

Regarding claims 37, the method as claimed is broader in scope than the method as claimed in claim 26 wherein the limitation of "official release date for the movie" corresponds to the available date of the movie in claim 26, and therefore, are analyzed as discussed in the rejection of claim 26.

Regarding claim 41, Hunter further discloses the system reads on the claimed limitations as follow:

antenna 24 and tuner(s) in the user station (228) for receiving broadcast signal – figure 11, paragraphs 0128-0129- read on the claimed feature of “an antenna and tuner for receiving broadcast signal”;

storage module 230 (figure 11, par. 0128-0138) reads on the claimed “a hard disk drive...” (also see discussion in the rejection of claim 23);

CPU/CODEC (figures 2, 11, par. 0128) reads on the claimed feature of “a processor....” wherein the claimed “control condition derived from the metadata” is met by code keys for decryption the encoded movies, ID header information for determining the movie is available or interested to the user decrypting the movies once the viewer is authorized to access the movie (par. 0128-0139, par. 0144).

Regarding claim 42, Hunter further discloses a modem (figures 4, 11) permit electronic billing of the user for access of the library.

Regarding claims 52-59, the limitations as claimed correspond to the limitations as claimed in claims 4-5, 7-8, 10, 15-16, 18 and are analyzed as discussed with respect to the rejection of claims 4-5, 7-8, 10, 15-16, 18.

Regarding claims 61 and 63, the additional limitations as claimed correspond to the limitations as claimed in claims 56, 54, and are analyzed as discussed with

respect to the rejection of claims 56, 54, wherein the claim antenna is met by antenna 24 – figure 11.

Regarding claims 72-75, the limitations as claimed correspond to the limitations as claimed in claims 4-5, 7, 9, and are analyzed as discussed with respect to the rejection of claims 4-5, 7, 9.

Regarding claim 76, Hunter further discloses modem (87- figure 4 or billing module 240/Internet access interface 235 – figure 11) reads on the claimed modem, wherein the feature of “periodical permit contact with the content provider” is met by video distribution system operator periodically receives viewed-content information for billing (par. 0103, lines 16-19).

Regarding claim 77, Hunter further discloses information passed between the content provider and the set top via the modem includes at least one of a user's viewing/rental history, access information used for billing purposes, keys used to decrypt videos (figures 10-11, par. 0103).

Regarding claim 79, Hunter further discloses the hard drive in the set top box stored pay per view program and the CPU of the set top box controls the operation of the hard drive (figures 4, 11, par. 0128) broadly reads on the claimed feature of “the hard drive is physically mated with the set top box

structure for security purposes thereby rendering it useless for its intended storage purpose if removed for intended use apart from the set top box"

Regarding claim 80, Hunter further discloses broadcast movies to a set top box for storage and subsequent viewing the movies (0128), 0138-0139), wherein the videos stored on the set top box are encrypted (paragraphs 0128,0138,0150), and upon selection of a video to view and satisfaction of business rules (e.g. pay to view video), the set top box permits the video to be decrypted and played (page 9, left col. lines 8-13).

Regarding claim 81, Hunter discloses the movies are periodically transmitted to user station for and are stored in a storage device (par. 0128). The code keys A, B, C that used to decrypt and playback the movie (par. 0079-par. 0083). Since these code keys are transmitted and stored at the user station, the set top box (user station) is not necessarily connected to the content provider after the video is stored, and prior to allowing a video to be viewed, the video being capable of independent decryption by electronic keys (code keys A,B,C) on the set top box along with the current account status.

Regarding claim 82, Hunter further discloses logging a decryption of a movie and using the log to determined a user's bill (par. 0089-par. 0096; par. 0061).

Regarding claim 83, Hunter discloses the content provider controls when to download the movies and associated information to the set top box at receiving side (paragraph 0139); the movies is stored in storage device until the content provider controls to download new movies to the storage device. Certain movies in high demand within the customer primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the “traffic” through storage device (paragraph 0144). Thus, the content provider inherently transmits metadata (i.e. information in new movie to be downloaded or information used to maintain the movie in storage for a period of time, say one week, regardless of traffic through the storage) to a set top box (i.e. set top box 228- figure 11), the metadata being associated with content previously stored on the set top box, the metadata being utilized by the set top box to delete the content (information is used to delete oldest content, delete content that less likely to be purchased, or information to identify content to be deleted after a minimum period of time, say one week, regardless of the “traffic” through the storage).

Regarding claim 84, Hunter further discloses the metadata comprises a date (e.g. after minimum period of time, say one week, for certain movie that remain in the storage with designated time period of one week regardless of the traffic through the storage – paragraph 0144, lines 23-31) or the date the new movie is transmitted to replace to oldest movie stored in the storage at the set top box (paragraphs 0139, 0144).

Regarding claim 85, Hunter further discloses the content previously stored on the set top box is transmitted remotely from the content provider (paragraph 0139, figure 11).

Regarding claim 86, the additional limitations is broader than the additional limitations as claimed in claim 81, and therefore, are analyzed as discussed in claim 81.

Regarding claim 87, Hunter further discloses deletion of content is independent from making room for new content as a result of available disk space (overwrite the less likely to be purchased movies **ahead** of those recordings (independent of making room) which, by analysis at module 340, show more promise of being viewed by the customer – paragraph 0144, lines 23-27), or certain new release movies is designated to remain in the storage for a minimum period of time, say one week, regardless of the “traffic” through storage module – paragraph 0144, lines 28-32. As a result, the content is deleted regardless of making room for new content as a result of availability disk space (regardless of “traffic” through the storage).

Regarding claim 88, Hunter discloses the content provider controls when to download the movies and associated information to the set top box at receiving side (paragraph 0139); the movies is stored in storage device until the content

provider controls to download new movies to the storage device. Certain movies in high demand within the customer primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage device (paragraph 0144). Thus, the method of remotely deleting content from a set top box (deleting content in the set top box by content provider or operator) inherently comprising:

composing an instruction to delete specific content previously stored on a set top box (e.g. composing designated time to remain the movie of the set top box, composing information for new content to be downloaded – paragraphs 0139, 0144); and transmitting metadata including the instruction to delete specific content to the set top box, the set top box having logic therein that interprets the instruction and deletes the previously stored content referenced in the instruction (transmitting associated information including designated time of certain movie to store in the storage regardless of the traffic, and as a result, the certain content is deleted based on interpreted designated time regardless of the "traffic" through the storage).

Regarding claims 89-90, the additional limitations as claimed correspond to the additional limitations as claimed in claims 85-86, and are analyzed as discussed with respect to the rejection of claims 85-86.

Regarding claims 91-94, the limitations as claimed correspond to the limitations as claimed in claims 83-86, wherein the limitation "to delete the content"

correspond to “to make the content unavailable to a user”, and are analyzed as discussed with respect to the rejection of claims 83-86.

Regarding claim 95, Hunter discloses a method for displaying available movies stores on a set top box (paragraph 0151), comprising:

receiving a plurality of movies from a content provider (paragraph 0139);
receiving a plurality of sets of metadata, each of the sets of metadata being associated with one of the plurality of the movies (receiving ID header information of the movie, title of the movie, designated time to remain certain movie in the storage regardless of the traffic, catalog of the movie, type of content, etc. – paragraphs 0139 –0148);

Hunter further discloses identifying the selected movies (i.e. popular movies, new release movie, user interested movies,) to be downloaded to the storage, provide a cue to alert user that certain movie is available so the user can selected to watch – paragraph 0139, or identifying the oldest movie, less likely to be purchased movies to removed/deleted from the storage, or identifying certain movie to remain in storage using designated time period (paragraph 0144), listing menu of available movies on the screen (paragraph 0151). Inherently, each of the sets of metadata must be analyzed to identify the movie to be downloaded (i.e. popular movies), the available movies to be displayed for viewing in a user interface associated with the set top box so the user can select the movie to watch.

Regarding claims 96-97, Hunter discloses the pre-determined criteria is a date on which the set top box is authorized to display the movie (e.g. the date or time within one week period designated to remain the certain movie in the storage regardless of the traffic through the storage- paragraph 0144, lines 23-32.

Inherently, during this period, the set top box is authorized to select the movie to display).

Regarding claim 98, the limitations that correspond to the limitations of claim 95 are analyzed as discussed with respect to the rejection of claim 95. Hunter further discloses selecting and providing popular movies, user interested movies, new release movies, etc. with associated data such as designated time period to remain certain movie in the storage device (paragraphs 0139 –0148). Thus, a pre-determined criteria and metadata (e.g. associated information of popular movie, new release movie, designated time to remain certain movie in storage, etc.) is established and composed so the desired movie is identified and displayed;

transmitting content associated with the metadata to the set top box (e.g. transmitting new release movie, popular movie, user interested movies) to the set top box (figure 11, paragraphs 0139 –0148).

Regarding claims 99-100, the limitations as claimed correspond to the limitations as claimed in claims 96-97, and are analyzed as discussed with respect to the rejection of claims 96-97.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) as applied to claim 10 above.

Regarding claim 11, Hunter discloses a method as discussed in claim 10. Hunter further discloses the broadcast provider controls downloading of movie into the storage device, and controls the available time of the downloaded movies (par. 0139). A skilled person in the art can select any time before making the stored movie available depend on the capability and characteristics of the transmission medium, device limitations, times, operator's desire. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter to include storing the movie to be any time period such as at least one day, and preferably about a week, before making the movie available for viewing so long as the time desired is limited to the capability and/or characteristics of the transmission medium and/or device limitations and/or operator desire to improve efficiency of movie services.

6. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) as applied to claim 76 above, and further in view of Dodson et al. (US 6,184,877).

Regarding claim 78, Hunter discloses a system as discussed in the rejection of claim 75. Hunter further discloses a processor (CPU) plays a video and reacts to signals from a remote control (figures 4, 11, par. 0072-par. 0076), and activity modem (modem 87, figure 4, or modem 650 –figure 23). However, Hunter does not specifically disclose simultaneously plays a video and reacts to signal from a remote control.

Dodson discloses the processor (e.g. controller) simultaneously plays a video (video being displayed on the TV) and reacts to signals from a remote control (remote control 206), and modem activity (internet interface 106) – see figures 1, 1-8, col. 2, line 46-col. 3, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter to incorporate the teaching as taught by Dodson in order to immediately provide additional information to the user (col. 1, lines 40-55), and allow user to simultaneously watch the program and additional information on the same screen.

7. Claims 43- 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) and in view of Maruo (US 6,757,909).

Regarding claim 43, the limitations that correspond to the limitations of claim 41, are analyzed as discussed with respect to the rejection of claim 41. Hunter further discloses the user pay to access the recorded movie (par. 0139). However Hunter does not specifically disclose a smart card secured to a circuit board of the receiver, the smart card facilitating a dedicated use of the receiver with a designated user.

Maruo disclose a smart card 525 is inserted/coupled into interface card 530 of the receiver (col. 8, lines 47-61; col. 11, lines 10-22) reads on the claimed feature of "a smart card secured to a circuit board of the receiver". The smart card stores the information needed by a cable system operator or digital broadcast system operator to bill a subscriber for services used by the subscriber. Typically, smart card also implements a scramble key provided by the MSO that is used to descramble digital broadcast signal (col. 8, lines 47-61). Necessarily, the smart card facilitates a dedicated use of the receiver with a designated user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter to use the teaching as taught by Maruo in order to improve convenience for user to pay the bill and reduce unauthorized user to access pay per view program.

Regarding claim 44, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 42, and is analyzed as discussed with respect to the rejection of claim 42.

Regarding claim 45, Maruo further disclose the intelligent transceiver (reads on the claimed set top box) comprises a tuner for operation with a monitor (TV – figure 6). The tuner receives broadcast signal via a wireless transmission (e.g. a satellite broadcast – col. 7, lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made that an antenna (for receiving signal from wireless transmission) is a part of a set top box in order to simplify network connection and reduce the cost of the cable between the antenna and the tuner in the set top box.

Regarding claim 46, Hunter in view of Maruo discloses a system as discussed in the rejection of claim 45. Maruo further disclose the smart card is coupled in different manners to the transceiver reads on the claimed feature of “an integral fastening of an active component of a smart card to a circuit board of the set top box thereby impede removal, and enhance the security of the set top box.

Regarding claim 47, Maruo further discloses POD 520 for inserting a smart card (col. 11, lines 17-20, figure 5B) reads on the claimed feature of “a secondary external smart card slot for use with another smart card in case the system becomes compromised.”

Regarding claim 48, Maruo further discloses the smart card is coupled with the intelligent transceiver in different manners (col. 8, lines 55-61). It is obvious to one of ordinary skill in the art that the smart card is fastened to a main board of the set top box with epoxy in order to improve security of the smart card, and furthermore, reduce unauthorized user to access the data.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sie et al. (US 7,024,697) discloses local near video on demand storage.

Ellis et al. (US 6,898,762) discloses client server electronic program guide.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

It is noted that Group Art Unit 2611 has been changed to Group Art Unit 2623

SPH

April 14, 2006


HAI TRAN
PRIMARY EXAMINER